

Frank Smart Intake Information

EXHIBIT “A”



ALLEGHENY COUNTY JAIL

Offender Face Sheet



Today's Date: 1/4/2015



DOC#: 51831 BOOKING#: 2015-00102 COMMIT DATE: 1/4/2015 9:37:51AM

NAME AT BOOKING: SMART, FRANK JEROME

SID#: 22223461 FBI#: INS#:

Date of Birth: 08/05/1975

Age at Booking: 39 Current Age: 39

Sex: M Race: B SS#: 204-54-3598

Marital Status: S Religion:

US Citizen: Y

Place (State) of Birth: PA

Country of Birth: UNITED STATES (USA)

Admission Type: NEW ARREST

County Code: ALLEGHENY (02)

Committed By: AC DISTRICT JUSTICE

Transported By: CITY OF PITTSBURGH

Arrested By: CITY OF PITTSBURGH

ACJ Officer ID#: C.O. PIERCE, C. L.

Shift: 1

CHARACTERISTICS

Height: 509 Weight: 245
 Hair Color: BLK Eye Color: BRO
 Complexion: Build: MEDIUM
 Glasses: N Facial Hair: FULL B
 Scars/Marks/Tattoos:

BOTH ARMS
 TATTOO R ARM

Highest Grade Completed:
 Graduate of: HIGH SCHOOL
 Graduation Date:
 Alias(es):

SSN:

DOB:

Enemies:

Alert(s):
 LLB

LOW LEVEL BUNK

01/27/2012

CONTACT INFORMATION

Inmate's Legal Address

475 GARNER COURT APARTMENT 405
 PITTSBURGH, PA 15219

Emergency Contact

CHERICE NELSON
 (412) 292-1413



DOC#: 51831 BOOKING#: 2015-00102 COMMIT DATE: 1/4/2015 9:37:51AM
 NAME AT BOOKING: SMART, FRANK JEROME
 SID#: 22223461 FBI#: INS#:

CHARGE INFORMATION

Charge

Offense Date: 01/03/2015 Case Number: CR 85-2015 Offender Tracking#: G 699712-6
 Offense#: 184101A1 Offense Description: FORGERY
 Grade: F Degree: 2 Hearing Date: Disposition: AWAITING PRELIMINARY
 Sentence Date: Minimum Date: Maximum Date:
 Effective Date: Discharge Date: Bond Amount: 30,000.00
 Judge: 05-0-03 PGH MAGISTRATE COURT

Notes:

Charge

Offense Date: 01/03/2015 Case Number: CR 85-2015 Offender Tracking#: G 699712-6
 Offense#: 183922A1 Offense Description: THEFT BY DECEPTION
 Grade: M Degree: 2 Hearing Date: Disposition: AWAITING PRELIMINARY
 Sentence Date: Minimum Date: Maximum Date:
 Effective Date: Discharge Date: Bond Amount: 30,000.00
 Judge: 05-0-03 PGH MAGISTRATE COURT

Notes:

Charge

Offense Date: 01/03/2015 Case Number: CR 85-2015 Offender Tracking#: G 699712-6
 Offense#: 183922A3 Offense Description: CRIMINAL CONSPIRACY
 Grade: M Degree: 2 Hearing Date: Disposition: AWAITING PRELIMINARY
 Sentence Date: Minimum Date: Maximum Date:
 Effective Date: Discharge Date: Bond Amount: 30,000.00
 Judge: 05-0-03 PGH MAGISTRATE COURT

Notes:

Charge

Offense Date: 01/03/2015 Case Number: CR 85-2015 Offender Tracking#: G 699712-6
 Offense#: 35780-113A31 Offense Description: PROHIBITED ACTS
 Grade: M Degree: Hearing Date: Disposition: AWAITING PRELIMINARY
 Sentence Date: Minimum Date: Maximum Date:
 Effective Date: Discharge Date: Bond Amount: 30,000.00
 Judge: 05-0-03 PGH MAGISTRATE COURT

Notes:



DOC#: 51831 **BOOKING#:** 2015-00102 **COMMIT DATE:** 1/4/2015 9:37:51AM
NAME AT BOOKING: SMART, FRANK JEROME
SID#: 22223461 **FBI#:** **INS#:**

Charge

Offense Date: 01/04/2015 **Case Number:** FD 99-03131 **Offender Tracking#:**
Offense#: FD0001 **Offense Description:** DIRECT CRIMINAL CONTEMPT
Grade: M **Degree:** **Hearing Date:** **Disposition:** AWAITING CONTEMPT
Sentence Date: **Minimum Date:** **Maximum Date:**
Effective Date: **Discharge Date:** **Bond Amount:** 1,000.00
Judge: BICKET, ALEXANDER

Notes:**Charge**

Offense Date: 01/04/2015 **Case Number:** FD 94-05225 **Offender Tracking#:**
Offense#: FD0001 **Offense Description:** DIRECT CRIMINAL CONTEMPT
Grade: M **Degree:** **Hearing Date:** **Disposition:** AWAITING CONTEMPT
Sentence Date: **Minimum Date:** **Maximum Date:**
Effective Date: **Discharge Date:** **Bond Amount:** 1,000.00
Judge: BICKET, ALEXANDER

Notes:

DETAINDER INFORMATION

Detainer

Docket #: CC 20110182 **OTN:** G 514762-3 **Det Type:** COUNTY PROB/PAROLE VIOLATION
Charges: VIO PROB/PAROLE **Date Lodged:** 1/4/15 9:48 am **Judge:** JUDGE TODD

Notes:

Frank Smart Medical Intake

EXHIBIT “B”



Intake and Receiving Screening

Accepted
1-5-15

Last Name: <u>Smart</u>		First: <u>Frank</u>		MI: <u>J</u>	ID: <u>51831</u>
Date: <u>1/4/15</u>	Time: <u>1055</u>	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB: <u>8-5-79</u>	Alias: <u>N/A</u>
Most recent incarceration: <input type="checkbox"/> None When: <u>9/2014</u> Where: <u>ACS</u>			Intake refused: <input type="checkbox"/> Yes <input type="checkbox"/> No		Interpreter used: <input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever been incarcerated here: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes When: <u>9/2014</u>			<input type="checkbox"/> Yes <input type="checkbox"/> No		Name: _____
Inmate transfer: <input type="checkbox"/> No <input type="checkbox"/> Yes: Records received: <input type="checkbox"/> Yes <input type="checkbox"/> No					Service: _____
Private Insurance: <input type="checkbox"/> None <input checked="" type="checkbox"/> Yes (Name): <u>DPME For You</u>					
CRITICAL OBSERVATION					
Urgent/Emergent Medical Referral <input checked="" type="checkbox"/> None identified <input type="checkbox"/> Yes, check all that apply <input type="checkbox"/> Severe Injury <input type="checkbox"/> Life threatening illness <input type="checkbox"/> Uncontrolled bleeding <input type="checkbox"/> Severe pain <input type="checkbox"/> Head trauma with mental status changes <input type="checkbox"/> Other: _____			Urgent/Emergent Mental Health Referral <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, check all that apply <input type="checkbox"/> Active hallucinations <input type="checkbox"/> Active delusions <input type="checkbox"/> Actively suicidal <input type="checkbox"/> Other: _____		
Responsiveness (Choose one): <input checked="" type="checkbox"/> Alert <input type="checkbox"/> Verbal Stimulus <input type="checkbox"/> Painful <input type="checkbox"/> Unresponsive (Call 911) Describe Unresponsiveness: _____			Communicable Diseases Suspected: MRSA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Varicella (Chicken pox) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Herpes Zoster (shingles) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Lice/Pediculosis <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Jaundice <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Needle Marks <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Other: _____		
Mobility Restrictions/Impairments <input type="checkbox"/> No <input type="checkbox"/> Yes (Check all that apply): <input type="checkbox"/> Deformity <input type="checkbox"/> Cast <input type="checkbox"/> Paraplegic <input type="checkbox"/> Wheelchair <input type="checkbox"/> CPAP <input type="checkbox"/> Brace <input type="checkbox"/> Blind <input type="checkbox"/> Deaf <input type="checkbox"/> Amputation <input type="checkbox"/> Splint <input type="checkbox"/> Quadriplegic <input type="checkbox"/> Crutches/Cane <input type="checkbox"/> Other: _____ Comments: _____					
VITAL SIGNS <input type="checkbox"/> One or more vital signs refused					
Height: <u>5'9</u>	Weight: <u>250</u>	Temperature: <u>98.2</u>	Pulse: <u>58</u>	Respirations: <u>14</u>	Blood Pressure: <u>158/101</u>
<input type="checkbox"/> Act <input type="checkbox"/> Rptd	<input type="checkbox"/> Act <input type="checkbox"/> Rptd	<input type="checkbox"/> Not taken	<input type="checkbox"/> A <input type="checkbox"/> P <input type="checkbox"/> Recheck	<input type="checkbox"/> Initial <input type="checkbox"/> Recheck	<input type="checkbox"/> Initial <input type="checkbox"/> Recheck
HISTORY Major surgery or medical hospitalization within past year: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, check all that apply and include date <input type="checkbox"/> Brain surgery <input type="checkbox"/> Heart Surgery <input type="checkbox"/> Abdominal Surgery <input type="checkbox"/> MI <input type="checkbox"/> Stroke <input type="checkbox"/> Transplant <input type="checkbox"/> Due to traumatic injury <input type="checkbox"/> Other: _____ Female history: Date of last LMP: _____ <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> N/A Are you currently pregnant: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe/Don't know Pregnancy test: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Scheduled <input type="checkbox"/> Refused Test result: <input type="checkbox"/> Positive <input type="checkbox"/> Negative Fingerstick result (if pregnant) _____ <input type="checkbox"/> Hysterectomy <input type="checkbox"/> Menopause					
MEDICATION REPORTED <input type="checkbox"/> None <input type="checkbox"/> Unknown <input type="checkbox"/> See below <input type="checkbox"/> See attached form					
Name/Dose	Frequency/Last Taken	Prescribed by or Provided by:	Verification Through		
<u>Tegretol 300mg</u>	Freq: <u>BID</u> Last: <u>1-3-15</u>	<u>DPME</u>	<input type="checkbox"/> Medication Container	<input type="checkbox"/> Clinic	
<u>Dilantin</u>	Freq: <u>1 daily</u> Last: <u>1-3-15</u>	<u>DPME</u>	<input type="checkbox"/> Physician/Psychiatrist	<input type="checkbox"/> VA	
		<u>DPME</u>	<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Unable to verify	
		<u>DPME</u>	<input type="checkbox"/> Medication Container	<input type="checkbox"/> Clinic	
		<u>DPME</u>	<input type="checkbox"/> Physician/Psychiatrist	<input type="checkbox"/> VA	
		<u>DPME</u>	<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Unable to verify	
		<u>DPME</u>	<input type="checkbox"/> Medication Container	<input type="checkbox"/> Clinic	
		<u>DPME</u>	<input type="checkbox"/> Physician/Psychiatrist	<input type="checkbox"/> VA	
		<u>DPME</u>	<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Unable to verify	
		<u>DPME</u>	<input type="checkbox"/> Medication Container	<input type="checkbox"/> Clinic	
		<u>DPME</u>	<input type="checkbox"/> Physician/Psychiatrist	<input type="checkbox"/> VA	
		<u>DPME</u>	<input type="checkbox"/> Pharmacy	<input type="checkbox"/> Unable to verify	

Last Name: <u>Smart</u>		First: <u>Frank</u>		ID: <u>51831</u>	
MEDICAL PROBLEMS (continued)					
<input type="checkbox"/> Cancer Do you currently have cancer: <input type="radio"/> Yes <input checked="" type="radio"/> No Are you currently being treated for cancer: <input type="radio"/> Yes <input checked="" type="radio"/> No Type: _____		<input type="checkbox"/> Dialysis Type: <input type="radio"/> Hemodialysis <input type="radio"/> Peritoneal Number of times per week: _____ Last dialyzed: _____		<input type="checkbox"/> COPD / Emphysema O ₂ dependent: <input type="radio"/> Yes <input checked="" type="radio"/> No Peak flow: _____ <input type="checkbox"/> Not taken	
<input type="checkbox"/> HCV <input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="checkbox"/> Other: _____			
BEHAVIORAL HEALTH					
Do you have any current mental health complaints? <input checked="" type="radio"/> No <input type="radio"/> Yes Do you have a history of a mental health problem? <input checked="" type="radio"/> Yes - Complete Section 1 <input checked="" type="radio"/> No - Proceed to Section 2					
Section 1 Have you ever been diagnosed with a mental illness: <input type="radio"/> No <input checked="" type="radio"/> Yes, check which illness: <input type="checkbox"/> Schizophrenia <input type="checkbox"/> Major Depression History of outpatient therapy: <input type="radio"/> No <input checked="" type="radio"/> Yes Within the last year: <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="checkbox"/> Bipolar <input type="checkbox"/> Other: _____ History of psychotropic medication(s): <input type="radio"/> Yes <input checked="" type="radio"/> No History of psych hospitalization: <input type="radio"/> Yes <input checked="" type="radio"/> No Within the last year: <input type="radio"/> Yes <input checked="" type="radio"/> No History of hearing things: <input type="radio"/> Yes <input checked="" type="radio"/> No History of seeing things: <input type="radio"/> Yes <input checked="" type="radio"/> No					
Section 2 History of suicide attempt(s): <input checked="" type="radio"/> No <input type="radio"/> Yes Last attempt: _____ Are you thinking of suicide now: <input type="radio"/> Yes <input checked="" type="radio"/> No Family/friends history of suicide: <input type="radio"/> Yes <input checked="" type="radio"/> No Recent significant loss: <input type="radio"/> Yes <input checked="" type="radio"/> No Do you feel like there is nothing to look forward to (hopeless/helpless): <input type="radio"/> Yes <input checked="" type="radio"/> No Have you ever hurt yourself on purpose: <input type="radio"/> Yes <input checked="" type="radio"/> No Are you thinking of hurting yourself now: <input type="radio"/> Yes <input checked="" type="radio"/> No Are you thinking of hurting others now: <input type="radio"/> Yes <input checked="" type="radio"/> No					
Section 3 Ever hospitalized for head trauma: <input checked="" type="radio"/> Yes <input type="radio"/> No History of violent behavior: <input type="radio"/> Yes <input checked="" type="radio"/> No History of victimization: <input type="radio"/> Yes <input checked="" type="radio"/> No History of sex offenses: <input type="radio"/> Yes <input checked="" type="radio"/> No History of: <input type="checkbox"/> Special education placement <input type="checkbox"/> Developmental disability <input type="checkbox"/> Mental retardation					
EXAMINATION					
General Appearance: <input checked="" type="checkbox"/> NAD <input type="checkbox"/> Appears hydrated <input type="checkbox"/> Other: _____					
Oral Screening <input checked="" type="checkbox"/> Unremarkable <input type="checkbox"/> Missing teeth <input type="checkbox"/> Abscesses <input type="checkbox"/> Cavities <input type="checkbox"/> Lesions <input type="checkbox"/> Dentures <input type="checkbox"/> Swelling <input type="checkbox"/> Dentures/Partials <input type="checkbox"/> Other: _____		Skin (visible) <input checked="" type="checkbox"/> Unremarkable <input type="checkbox"/> Surgical scars <input type="checkbox"/> Jaundice <input type="checkbox"/> Open <input type="checkbox"/> Rash <input type="checkbox"/> Pallor <input type="checkbox"/> Sores <input type="checkbox"/> Tracks <input type="checkbox"/> Lacerations <input type="checkbox"/> Tattoos <input type="checkbox"/> Other: _____			
DISPOSITION					
Placement <input checked="" type="checkbox"/> GP <input type="checkbox"/> Isolation reason: _____ <input type="checkbox"/> Infirmary <input type="checkbox"/> Observation <input type="checkbox"/> Suicide Watch <input type="checkbox"/> Other: _____		Referral <input checked="" type="checkbox"/> H&P <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Behavioral Health <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Nursing Sick Call <input type="radio"/> Routine <input type="radio"/> Expedited <input checked="" type="checkbox"/> Chronic Care Clinic <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Practitioner Sick <input type="radio"/> Routine <input type="radio"/> Expedited <input type="checkbox"/> Dental referral <input type="radio"/> Routine <input type="radio"/> Expedited			
Notification: <input type="checkbox"/> Immediate supervisor <input type="checkbox"/> Practitioner On Call <input type="checkbox"/> ER for transport					
Consent for treatment signed: <input checked="" type="radio"/> Yes <input type="radio"/> No Reason: _____					
Access to care reviewed: <input checked="" type="radio"/> Yes <input type="radio"/> No Reason: _____					
Grievance process explained: <input checked="" type="radio"/> Yes <input type="radio"/> No Reason: _____					
Implement (check all that apply): <input type="checkbox"/> CWA-Ar <input type="checkbox"/> COWS <input type="checkbox"/> BWS-C					
ADDITIONAL COMMENTS					
My Information is correct and I accept the provision of medical, dental and mental health care.					
<u>Frank Smart</u> Patient's Signature		<u>Pae Ann Green, MD</u> Interviewer's Name (Printed)		<u>[Signature]</u> Interviewer Signature	
				Date	
Secondary review (if indicated) _____ Name (Print) _____ Signature _____ Date _____					



950 2nd ave, Pittsburgh, Pa 15219
412-350-2214 or 2277

To: Classification
Via fax: 412-350-2240

From: Corizon

Subject: Housing Status per Medical Order

Inmate Name: Smart, Frank J
Medical Order for Special Housing Status:

DOC#: 51831

☐ Lower Level

☒ Low Level/ Low Bunk

☐ Cell for Handicapped

☐ Single Cell

☐ Medical Bed rest (Single celled or housed with another inmate on same status per medical - must remain in cell)

☐ Other _____

Duration of Order: length of stay

Physician/Practitioner: [Signature]

www.corizonhealth.com

AC-11609

Excerpts from Rae Ann Green Deposition

EXHIBIT “C”

Deposition of Rae Ann Green

Deposition of Rae Ann Green

1 if you know?

2 A The MA.

3 Q The MA?

4 A The medical assistant.

5 Q Oh, MA, okay. So tell me in terms of
6 when you come into work and you are working in
7 intake, is that on the ground floor?

8 A Yes.

9 Q Okay. And do you stay in that area
10 for the entire time of your shift --

11 A Other than lunch, yes.

12 Q -- so to speak. And is there an area
13 with cells for the inmates?

14 A There are cells, yes.

15 Q There are like holding cells?

16 A Yes.

17 Q And then they could be roaming about
18 and that's when you give them their medication?

19 A Yes.

20 Q So when you do, take me through the
21 process from the time that an inmate is brought to
22 the jail in intake, what happens?

23 MS. KENYON: I just want to caution
24 the witness, only if you know.

25 A Yeah, I only know part of it.

Deposition of Rae Ann Green

Deposition of Rae Ann Green

1 Q I'm only asking you to tell me what
2 you know here today.

3 A When they come in with the police
4 officer, an RN assesses them at the door to make
5 sure that they are okay medically to be in the
6 facility. If they are not, they are sent back
7 out.

8 Q And that's prior to their arraignment;
9 right?

10 A Yes.

11 Q Is that something that you were
12 involved in at any time?

13 A I have done it, yes.

14 Q Okay. Did you -- are you the one who
15 assessed Mr. Smart at that time frame?

16 A I don't know.

17 Q Okay. All right. Okay. So that's
18 what happens, and then tell me what happens after
19 that.

20 A Then they take the inmate into a
21 holding cell, and I don't know what happens, I
22 believe they go in front of the judge, and at some
23 point they end up on the intake side, which is an
24 open area with some cells and TV's and vending
25 machines and stuff.

Deposition of Rae Ann Green

Deposition of Rae Ann Green

1 Q He indicated to you that they were
2 prescribed by Mercy?

3 A Yes.

4 Q Okay. All right. And let's go to the
5 next page. Down below it says you have checked
6 the condition of epilepsy or seizure, is that
7 something that Mr. Smart reported to you?

8 A Yes.

9 Q And he indicated that he last had a
10 seizure in October of 2014?

11 A Yes.

12 Q Okay. And the next page, under
13 "Disposition," you checked "placement GP," is that
14 general population?

15 A Yes.

16 Q And then "referral H and P," what does
17 that mean?

18 A History and physical; all inmates get
19 one.

20 Q Okay. And then what is the "Chronic
21 Care Clinic" that is checked?

22 A Because he had a chronic condition of
23 seizure disorder, I referred him to follow-up with
24 the physician at the chronic care to manage it.

25 Q How do would that happen?

Deposition of Rae Ann Green

Deposition of Rae Ann Green

1 A We fill out a, what's called a
2 priority list, and we write down their name and
3 condition and what you are referring to. I would
4 have written "chronic care seizure disorder," and
5 then it gets turned in at the end of each shift.

6 Q And then when would he have or should
7 have seen a physician at the chronic care clinic?

8 A I don't know.

9 Q You don't know what the time frame is?

10 A No.

11 Q Do you know if he ever met with a
12 physician at the chronic care clinic?

13 A I don't believe so. He wasn't there
14 long enough.

15 Q What's the purpose of him meeting with
16 a physician at the chronic care clinic?

17 A They would probably, one of the things
18 was his medication was unable to be verified, and
19 the record that I had was a past record, so I was
20 going on his word and what I saw when I got his
21 medications ordered. So he would have needed to
22 have met with the physician so that they can go
23 over his history, go over when his last seizure
24 was, how he was treated, those types of things.

25 Q What do you mean his medication was

Deposition of Rae Ann Green

Deposition of Rae Ann Green

1 unable to be verified?

2 A When an inmate tells us that they are
3 on medication, everything has to be verified,
4 whether you call the pharmacy, the physician
5 directly, whoever dispensed the medication, and he
6 disclosed that he got his medications from Mercy,
7 who wasn't open that day.

8 Q So you couldn't verify the medication
9 because this was the weekend?

10 A Right.

11 Q And they were not open?

12 A Right.

13 Q So I'm assuming that at intake on the
14 weekends this happens a lot where you can't verify
15 the medications, that they are closed; correct?

16 MS. KENYON: Object to form, go ahead.

17 A No, because a lot of people don't use
18 these smaller clinics. They use Giant Eagle,
19 Rite Aid, things like that, and I can call and
20 verify.

21 Q What's the next step if you can't over
22 the weekend verify medication through the
23 pharmacy?

24 A I go into his past record and look and
25 see the last time he was there and what

Allegheny County Police
Initial Report

EXHIBIT “D”

INITIAL REPORT

CCR#: 00090-15
CASE#: H-007-15

DETECTIVES : TODD DOLFI
THOMAS FOLEY

CASE : DEATH INVESTIGATION- UNDETERMINED

VICTIM : FRANK SMART B/M/39
ACJ INMATE

LOCATION : ALLEGHENY COUNTY JAIL-POD 4A-CELL 121

**DATE AND TIME
OF OCCURRENCE :** JANUARY 4, 2015
2254 HOURS

WEATHER : 30 DEGREES- LIGHT SNOW- INDOOR SCENE

SUMMARY :

On January 5, 2015 at approximately 0040 hours Captain Bytner of the Allegheny County Bureau of Corrections requested the investigative assistance of the Allegheny County Police Homicide Unit in reference to a death investigation.

On January 3, 2015 at approximately 2100 hours Frank Smart was arrested by the City of Pittsburgh Police Department (OTN G699712-6). Smart was transported to the ACJ and was accepted into intake at approximately 2209 hours. Smart stayed in intake until he was assigned to POD 4A on January 4, 2015 at approximately 2023 hours. At that time, Smart was lodged on POD 4A cell# 121.

On January 4, 2015 at approximately 2254 hours CO Fleisner who was assigned to POD 4A was making his required rounds on the POD when he heard what he described as a very loud and abnormal "Snoring" sound coming from inside of cell # 121. CO Fleisner then called on inmate Edwin Williams who is the "Suicide Worker" on the POD.

**INITIAL REPORT- FRANK SMART
PAGE-2**

**CCR# 00090-15
CASE# H-007-15**

Williams came to cell #121 and Fleisner looked inside and noticed that Smart had blood coming from the corners of his mouth and was spitting saliva. Williams also said that he observed Smart hit his head on the steps to the bunk beds and then roll of the bed onto the floor striking his head again. CO Fleisner then called for a "Medical" on POD 4A.

Captain Bytner and several other CO's arrived to assist with care along with 4 nurses who were already on scene and assigned to the jail medical division. Captain Bytner stated that Smart was not fighting them, however, he was resisting care and was flailing his arms and legs. CO's restrained Smart with handcuffs and shackles after they received permission from the nurses.

It was Detectives understanding that the nurses administered two 2mg doses of Ativan in the process of care for Smart. At approximately 2325 hours 911 was called to respond to the jail. While awaiting the arrival of paramedics Smart stopped breathing. Nurses and CO's began CPR and attached an AED. CPR was conducted until the arrival of Pittsburgh EMS Medic 7 who then took over care. Smart was transported to Mercy Hospital where he was pronounced dead at 0022 hours by Dr. Tracy Moore.

Captain Bytner secured the cell/scene and kept it locked until the arrival of Detectives. Scientist Stanich of the Allegheny County Medical Examiner's Office along with Detectives Dolfi and Foley processed the scene.

POD 4A is considered a classification POD. Meaning, the inmate will stay on that POD until they are "Classified" and placed on a certain level pertaining to jail guidelines of their classification or they are released from custody. Smart, had just arrived on the POD and had not been classified yet.

On January 5, 2014 a post mortem examination was conducting on Frank Smart by Dr. Arboe and Dr. Luckasevic. Dr. Arboe stated that the results of the examination will be pending Histology and Neurology reports.

The following CO's and Jail Staff completed written reports as to their involvement in this incident. All reports have been turned over to the Allegheny County Police and are located in the file:

Captain Bytner
Captain Kengerski
Sgt. Michael Brown
CO Fleisner
CO Robert Dixon
CO John Mangis
CO Norman Martin
CO Jason Brown

**INITIAL REPORT
PAGE-3**

**CCR# 00090-15
CASE# H-007-15**

CO Michael Istik
CO Ryan Gorham
CO Holland
CO David Foriska
RN Logan Berger
RN Susan Leri
RN Darlene Wichryk
RN Alisia Hollingsworth

SUPPLEMENTAL REPORT

CCR#: 00090-15
CASE#: H-007-15
DATE: 1/5/15
TIME: 0145 HOURS

DETECTIVES: THOMAS FOLEY & TODD DOLFI
CASE: DEATH INVESTIGATION UNDETERMINED ACJ
VICTIM: FRANK SMART B/M/39
IN REF TO: INTERVIEW OF CAPTIAN ROBERT BYTNER ACJ SHIFT
 COMMANDER (412)350-2002
SUMMARY:

We spoke with Allegheny County Corrections Captain Bytner the ACJ Shift Commander who met with Detective Dolfi and I on Pod 4A. He indicated that the incident occurred in cell 121 on the Pod and has been secured since the incident. He said that he responded to POD 4A approximately 2254 hours to assist with a medical emergency. Captain Bytner said that he replaced CO Bytner with CO Holland who was currently on watch. See interview of CO Holland.

Captain Bytner said that he arrived on the Pod a short time later and he observed the inmate lying on the floor. He said he ordered CO Fleisner to open the door. Captain Bytner said that he got in, the victim was lying on the cell floor snoring. The captain said that he took 2 pictures of the victim where he was lying on the ground when he first saw him (Captain Bytner took 4 photographs of the victim; 2 while in his cell and 2 as he was being transported by Medics.). Captain Bytner published the pictures to us and they will be made part of the file. Captain Bytner explained that he learned that CO Fleisner heard inmate Frank Smart making loud snoring noises when he made his round. He said that the Pod Trustee Edwin Williams Sr. B/M/49 was up and making rounds. He said that Trustee Williams was assisting the Pod CO and when he looked in; he observed blood coming from the victim's mouth.

Captain Bytner said that he entered the cell with Nurse Logan Berger and began working on the victim. He said that the victim was combative, but he didn't feel he was fighting on purpose. The Captain said that he and several COs restrained the victim so that the ACJ Medical staff could work on him. He said that they could not get vitals on the victim because of his combative state. He said that the Medical staff was able to give the victim an injection but he said that he continued to fight them. The Captain said that they continued to restrain the victim. He said that he ordered the COs to place a spit shield on the victim because of the blood coming from his mouth. The Captain said that CO Fleisner got his hand bit while trying to place the spit shield. The Captain emphasized

SUPPLEMENTAL REPORT – PAGE
IN REF: DEATH INVESTIGATION UNDET ACJ

2

CCR#: 00090-15
CASE#: H-007-15
DATE: 1/4/15

that he was reminding the crew working on the victim that he (victim) was not fighting maliciously. He said that the crew of Cos and the medical staff understood this. Captain Bytner said that his COs were tiring and injured, so he asked the medical staff if it would be OK to restrain/cuff the victim so that he didn't hurt himself or any additional staff. He said that Nurse Logan Berger said it would be OK. The Captain said that he ordered that the victim be handcuffed; he explained that two sets of cuffs were used to cuff the victim and he was also shackled. He said that this allowed the medical staff to give a second injection. The Captain said very shortly after this CO Gorham alerted them that the victim had just gone motionless. He said that the medical staff checked his vitals and they told him that they were going to begin CPR. Captain Bytner said that he uncuffed the victim and rolled him back over. He said that additional medical help was arriving. He said that they utilized the defibrillator but did not believe that they shocked him.

Captain Bytner wrote a statement/report as is their internal protocol. This statement and the other employees involved reports will be made part of this record.

END OF THIS REPORT
tgf

AC-10195

SUPPLEMENTAL REPORT

CCR : 00090-15
CASE : H-007-15
DATE : 4/1/2015
TIME : 2340HRS

DETECTIVE: TODD DOLFI & THOMAS FOLEY

CASE : DEATH INVESTIGATION- UNDETERMINED

VICTIM : FRANK SMART B/M/39

IN REF TO : INTERVIEW OF DARLENE WICHRYK RN

SUMMARY :

On the listed date and time Detectives Dolfi and Foley spoke with RN Darlene Wichryk at the Allegheny County Jail about the incident involving inmate Frank Smart on January 5, 2015.

Wichryk said that she remembered the incident and that she was working the midnight shift that night. She said that she was in the process of shift change and was counting medicine with the staff she was relieving.

Wichryk said that a call for a medical emergency was received and she responded to it. She said RN Berger, RN Leri and RN Hollingsworth responded as well. Wichryk said that RN Berger was in the cell with the inmate and the CO's. Wichryk said that she remembered that the inmate appeared to be seizing and was thrashing around. She said that the CO's attempted to restrain the inmate and RN Berger administered Ativan to the inmate. Staff then wanted to check his blood sugar. She and RN Hollingsworth left the POD to go get the "Glucometer." She said that they brought it back and checked the inmate's blood sugar.

Wichryk said that the inmate became aggressive and began to yell so the inmate was restrained by CO's. She said that RN Berger gave him a second dose of Ativan. Wichryk said that a short time later the inmate became unresponsive and CPR was initiated.

Wichryk said that she was in the inmate's cell for a short period of time and was outside the cell most of the time. She said that RN Berger was in the cell with the inmate and CO's. Wichryk continued that she became more involved when CPR was started and the inmate was taken out of the cell. Wichryk was asked if she saw anything that was inappropriate and seemed like excessive force and said "No." Wichryk said that she did

**CONTINUATION OF DARLENE WICHRYK INTERVIEW
PAGE 2.**

**CCR# 00090-15
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not observe anything that she felt was wrong or excessive. Wichryk was asked if she would have done anything different and she added that she was always taught that when someone is seizing that you just let the person and seize. She stated that she would have just put a blanket under the inmates head and got everybody out of the cell. However, she did add that she did not feel what was done was bad or wrong. The interview was then concluded.

Alisia Hollingsworth Statement

EXHIBIT “E”

INVESTIGATIVE REPORT

DATE : MARCH 31, 2015
J# : 056-15

INVESTIGATOR : INSPECTOR WILLIAM J. PALMER
CASE : INMATE DEATH- FRANK SMART #51831
IN REF TO : INTERVIEW OF NURSE ALISIA HOLLINGSWORTH
SUMMARY :

On Saturday, March 28th, 2015, Corizon Attorney Katie Kenyon was interviewing nurses about an investigation into Physician's Assistant David Druski. During the interview of Registered Nurse Alisia J. Hollingsworth, Hollingsworth brought up the death of Inmate Frank Smart. Hollingsworth reported seeing Captain Robert Bytner performing a choke hold on Smart during the medical emergency. Hollingsworth was bothered by Bytner's actions that day, and was now reporting it. Attorney Kenyon notified the Assistant Director of Nursing Leslie Travis. Travis reported this to me and to the warden.

On March 31, 2015 at 10:00 a.m., I had the opportunity to interview Nurse Alisia Hollingsworth. The interview was conducted in the Internal Affairs Office at the jail. As to the Frank Smart medical emergency, Hollingsworth stated the following:

Hollingsworth was working in the Infirmary as an LPN. She was there with Logan Berger the R.N. of the infirmary. Logan was busy with a patient with chest pain at the time of the Smart emergency, so Hollingsworth responded by herself at first. When she arrived, Smart was alive but incoherent. She took his blood pressure, and recognized that Smart was in a postictal state. Because of his state, Smart was flailing around. Hollingsworth believed that Smart had already been put in handcuffs. Hollingsworth knew Smart needed Ativan, but there was none on her cart. Hollingsworth then responded to the infirmary to get the Ativan. When she returned, it was decided the medical team needed a glucometer. Hollingsworth then responded to the Intake area to retrieve a glucometer. When she returned to Smart's cell, Hollingsworth saw Nurse Logan Berger standing in the back corner of the cell. Four or five correctional officers were lying on top of Smart. The officers were lying perpendicularly to Smart's body. Captain (Robert) Bytner was down on his knees holding Frank Smart in a headlock. Hollingsworth described Bytner holding Smart around the neck, which Hollingsworth could see, was choking Smart. The inmate was struggling to breathe. Hollingsworth observed that Captain Bytner was red of face and sweating. Hollingsworth dropped off the glucometer and was told by Nurse Berger to respond back to the infirmary to be prepared to call for permission to give a second dose of Ativan. Hollingsworth did respond back to the infirmary. There, she called Rachel, who was the person to authorize a second shot of Ativan. Rachel did authorize a second dose. Rachel added to call 911 to have this patient sent to an outside hospital. Hollingsworth did call 911. Hollingsworth then

PAGE TWO: INTERVIEW OF NURSE ALISIA HOLLINGSWORTH

J-056-15

received a call from Smart's pod. She believes it was Nurse Sue Leary. The caller was telling Hollingsworth that CPR had been initiated and to notify 911 of such. She did. Hollingsworth then responded back to the medical emergency. When she arrived Logan was doing the chest compressions. The inmate was in the same position as when she last saw him. She did not remember if he was still handcuffed at this time. Logan was getting tired, so Hollingsworth took over chest compressions. When the paramedics arrived Smart was taken from his cell and CPR continued in the pod.

Hollingsworth informed me that seeing Captain Bytner holding the inmate in a chokehold bothered her ever since. When talking to the Corizon lawyer, Hollingsworth felt she needed to say something.

I asking Hollingsworth how long of a time period was she in the cell to see Capt. Bytner have the inmate in a headlock. Hollingsworth said she was in there for about ten seconds. She was there to drop off the glucometer, and then Logan sent her back to the infirmary.

I asked Hollingsworth if Nurse Logan Berger was saying anything to the captain or officers on top of the inmate. Hollingsworth said he was not, describing Logan as just standing in the corner. Hollingsworth also said nothing to the officers.

I asked if she talked about it later with Logan. Hollingsworth said she brought it up at the time, but Logan just said "That's corrections". He also said to just report what she did during the emergency.

Hollingsworth said that the next day, Captain Bytner came up to her and asked if she was okay, and if there was anything she wanted to talk about. Hollingsworth just responded with a "no".

Alisia Hollingsworth stated that she has been in the medical field for 12 to 14 years. She has been a Registered Nurse since November of 2014. Before that she was a LPN for about a year. Prior to the jail, Hollingsworth worked at Allegheny General Hospital.

As to other people in the cell, Hollingsworth did not know the names of the officers on top of the inmate. She knew that Nurse Sue Leary came to the area at some point, but she was not sure when.

When describing the officers on top of the inmate, Hollingsworth said they were putting all of their weight on the inmate, describing the officers lying on him in a way that the officers' feet were off the floor.

Hollingsworth was not familiar with the inmate prior to this medical emergency.

Hollingsworth was asked if she told any supervisor before this weekend. She said she had not.

Alisia Hollingsworth added nothing further at this time. This information will be forwarded to ACPD Homicide.

Excerpts from Logan Berger Deposition

EXHIBIT “F”

1 chair?

2 ATTORNEY KILLION:

3 Oh, I'm sorry.

4 BY ATTORNEY KILLION:

5 Q. Sorry, he was seated on the
6 ground?

7 A. Yes.

8 Q. So he's seated on the ground.
9 What happens when you go into the
10 cell?

11 A. I recommend that we place him
12 in the recovery position.

13 Q. And did you, in fact, do that?

14 A. I believe so.

15 Q. What is the recovery position?

16 A. Laying on the ground, typically
17 on the left side.

18 Q. And then what happened after
19 you placed him on the ground? Did
20 you, in fact, put him on his left
21 side?

22 A. I believe so. I can't remember
23 specifically.

24 Q. And what happened then?

25 A. He continued to seize. Vital

1 signs were obtained.

2 Q. Was anything placed under his
3 head, or is that a protocol, to place
4 something under their head?

5 A. No.

6 ATTORNEY KENYON:

7 Another double question.

8 A. There's ---.

9 BY ATTORNEY KILLION:

10 Q. Is that no to ---?

11 A. Yes. No to both questions you
12 asked.

13 Q. And you are the person who
14 obtained his vitals?

15 A. It was myself and the other
16 nurses that were assisting.

17 Q. Who were the other nurses?

18 A. Alisia Hollingsworth, Darlene
19 Wichryk ---. I believe Sue Leary
20 (phonetic) was present at that point.

21 Q. How did you say Darlene's last
22 name?

23 A. Wichryk.

24 Q. Wichryk? So Leary, Wichryk and
25 Hollingsworth?

1 A. I believe so, yes.

2 Q. And yourself?

3 A. Yes.

4 ATTORNEY DACHILLE:

5 And if you don't mind, I
6 know Wichryk is a spelling
7 nightmare for Jeremy. It's
8 W-I-C-H-R-Y-K. Does that sound
9 right?

10 A. Yes.

11 ATTORNEY KENYON:

12 And Alisia's with an S.

13 BRIEF INTERRUPTION

14 BY ATTORNEY KILLION:

15 Q. When Alisia Hollingsworth
16 showed up, did she bring a medical
17 cart?

18 A. Yes.

19 Q. What's typically on a medical
20 cart?

21 ATTORNEY KENYON:

22 Just a medical cart or a
23 CRASH cart, or ---? I don't
24 know if you wanted to limit it.

25 A. Are you referring to the cart

1 specifically at the jail?

2 BY ATTORNEY KILLION:

3 Q. Is there a different cart
4 that's used for medical emergencies?

5 A. Yes, there is an emergency
6 cart.

7 Q. Is it called a CRASH cart?

8 A. No, when you ---.

9 Q. What's a CRASH cart?

10 A. A CRASH cart is something in
11 HCOF-certified facilities.

12 Q. So what do you want me to call
13 this, an emergency cart?

14 A. An emergency cart is
15 sufficient.

16 Q. What things are supposed to be
17 supplied or stocked in the emergency
18 cart?

19 A. Items to take vital signs, a
20 glucometer, Glucomin or glucose for
21 diabetics who have low blood sugar.
22 Syringes, IV paraphernalia ---.

23 Q. Well, what about Ativan?

24 A. Ativan is kept refrigerated, so
25 it's brought separately.

1 Q. What happened after you
2 assisted with taking the vitals?

3 A. Mr. Smart became aggressive and
4 combative.

5 Q. Do you believe that was part of
6 the seizure?

7 A. No.

8 Q. Do you believe that he became
9 aggressive and combative after the
10 seizure?

11 A. Yeah, starting the postictal
12 period.

13 Q. What happened after he became
14 aggressive and combative?

15 A. An order was obtained for the
16 second dose to provide him Ativan.

17 Q. When was the first dose given?

18 A. During the seizure activity.

19 Q. Well, tell me what else
20 happened during the seizure activity,
21 because the only thing that I know of
22 is that he was placed in a recovery
23 position and his vitals were obtained.

24 A. I believe it was Alisia
25 Hollingsworth who called the on-call

1 practitioner and received an order for
2 IM Ativan. That was given. The
3 glucometer was not present on the
4 emergency cart, so glucagon, which is
5 an IM injection also, was given. If
6 you're not diabetic, glucagon does
7 nothing to you.

8 If you are diabetic and your
9 blood sugar is low, glucagon will
10 raise it. So a decision was made that
11 since it wouldn't hurt him if he
12 weren't diabetic to go ahead and give
13 him the glucagon.

14 Q. Well, why wasn't the glucometer
15 on the emergency cart?

16 A. I don't know why it wasn't.

17 Q. But it should've been on the
18 emergency cart; right?

19 A. Yes.

20 Q. So after he became combative, a
21 second dose of Ativan was ordered?

22 A. Yes.

23 Q. And was it administered?

24 A. Yes.

25 Q. And then what happened after

1 that?

2 A. Mr. Smart continued to be
3 aggressive and combative. He had
4 actually bit one of the COs. The CO
5 was removed from the cell immediately
6 to seek medical attention. 911 had
7 been called, and there was no order
8 obtained to call 911 for transport to
9 an outside facility.

10 Once Mr. Smart --- at the same
11 time the order for the second dose of
12 Ativan was obtained, the practitioner
13 also stated, call 911. Get him
14 transferred to an outside facility.
15 So the IM Ativan was given, and the
16 call to 911 would've been made at
17 roughly the same point in time.

18 Q. You didn't mention anything
19 about him being restrained or
20 handcuffed. Was he restrained or
21 handcuffed?

22 A. Not at that point in time.

23 Q. Was that ---?

24 A. I mean, there were correctional
25 officers maintaining control of his

1 limbs, but he wasn't restrained for an
2 extended period of time.

3 Q. When, if at all, was he
4 retrained by handcuffs or foot
5 shackles?

6 A. Once the phone call had been
7 made for 911 to come. And Mr. Smart
8 was still aggressive and combative.
9 He was handcuffed in preparation of
10 transport by 911.

11 Q. At some point after 911 was
12 called, he stopped breathing,
13 according to the records. Do you
14 recall that?

15 A. Yes.

16 Q. How long after he was
17 handcuffed or had the foot shackles on
18 did he stop breathing?

19 ATTORNEY KENYON:

20 Objection.

21 ATTORNEY DACHILLE:

22 Same objection.

23 A. I can't recall.

24 BY ATTORNEY KILLION:

25 Q. Was he, in fact, still shackled

1 when he stopped breathing?

2 A. Yes.

3 Q. How long, from the time that
4 you responded to the emergency went by
5 before 911 was called?

6 A. I can't recall the times I
7 wrote.

8 Q. Well, according to the records
9 and the investigation, I have that the
10 event --- the seizure event occurred
11 around 9:54 p.m. on the 4th, and 911
12 was called around 11:30 that night.

13 ATTORNEY KENYON:

14 Objection. I think that
15 is misstating the record.

16 ATTORNEY DACHILLE:

17 Same objection.

18 BY ATTORNEY KILLION:

19 Q. Do you think it was more than
20 an hour that passed until 911 was
21 called?

22 A. No.

23 ATTORNEY DACHILLE:

24 He passed away at 11:30.

25 BY ATTORNEY KILLION:

1 Q. What happened after he stopped
2 breathing?

3 ATTORNEY DACHILLE:

4 Objection to the form.

5 BY ATTORNEY KILLION:

6 Q. What happened after Mr. Smart
7 stopped breathing?

8 A. I had him placed on his back,
9 checked for a pulse, took AED and
10 began CPR and resuscitative efforts.

11 Q. Was he still handcuffed and
12 shackled when you began resuscitation
13 efforts?

14 A. He was un-handcuffed and
15 unshackled as that process was going
16 on. I was checking for a pulse while
17 he was still handcuffed, and the AED
18 pads were placed as Corrections was
19 working on removing the restraints.

20 Q. At the point in time when he
21 was combative and was being
22 restrained, what position was he in on
23 the floor?

24 A. He was laying on his stomach.

25 Q. And how many officers were

1 restraining him?

2 ATTORNEY DACHILLE:

3 Objection to the form.

4 A. I believe ---.

5 BY ATTORNEY KILLION:

6 Q. And if it is varies at
7 different time frames you can tell me
8 that, as well.

9 A. I mean, it did, but I would say
10 roughly four individuals, one on each
11 limb. Mr. Smart was very strong.

12 Q. How long did this combative
13 phase last where he was being
14 restrained by the corrections
15 officers?

16 ATTORNEY DACHILLE:

17 Objection to form.

18 A. I honestly couldn't tell you.
19 Like I said, I dive right in an
20 emergency situation.

21 BY ATTORNEY KILLION:

22 Q. Sure. One of the things in
23 your statement on the first page
24 indicates that --- you said paramedics
25 were called and commented that it took

1 Q. Did you have any Allegheny
2 County corrections officers interfere
3 with your efforts to respond to the
4 Frank Smart emergency?

5 A. No, not that I can recall.

6 Q. I think your testimony earlier,
7 at least in part, was that in a
8 postictal stage, medical patients are
9 typically calm?

10 A. Typically, although some had
11 aggressive, combative reactions also.
12 I don't want to say common, but that's
13 one of the reactions that individuals
14 have. Sometimes people become just
15 --- I don't want to say inconsolable,
16 because that sounds like you're
17 speaking about a child. But they'll
18 cry or they'll laugh for no reason. I
19 mean, those are things that can
20 happen.

21 Q. And sometimes they become
22 combative; is that correct?

23 A. Yes.

24 Q. Does it appear to you that Mr.
25 Smart was becoming combative because

1 he was in a postictal state?

2 A. Yes.

3 Q. When you observed Mr. Smart,
4 that was in line with a postictal
5 phase; is that fair to say?

6 A. Yes.

7 Q. And we've been using --- or
8 maybe I have the term combative, what
9 did you see Mr. Smart doing during
10 this period in which he was combative?

11 A. He was thrashing, attempting to
12 hit individuals.

13 Q. Was he flailing his arms?

14 A. Yes, sort of.

15 Q. Was ---?

16 A. His shirt was coming off.

17 Q. Was he being attended at all?

18 A. Yes.

19 Q. Is it fair to say that the
20 people who are combative during
21 postictal phase can injure themselves?

22 A. As well as others, yes.

23 Q. Did it appear to you that Mr.
24 Smart could have injured himself if he
25 had not been secured by corrections

1 officers?

2 A. Yes, that is a possibility.

3 Q. One possibility is that he
4 could smack his head on the floor?

5 A. Yes.

6 Q. You have a building made out of
7 concrete?

8 A. They are.

9 Q. Can you give us just a ---
10 roughly about how big the jail cell
11 --- well, Mr. Smart's jail cell was?

12 A. Maybe six feet by eight feet.

13 Q. Some of that space is also
14 taken up by the bunk beds, isn't it?

15 A. As well as a table and a
16 toilet.

17 Q. So right, a toilet?

18 A. Right.

19 Q. You were in the medical
20 emergency room as far as a delay
21 in ---?

22 A. No, I had been providing care
23 to another inmate, which is why Ms.
24 Hollingsworth went first. But I had
25 arrived very, very shortly after her.